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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee*

Rapporteur: Ms. Elena **Molaroni** (San Marino)

I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-first session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Committee held a general discussion on the sub-item jointly with sub-item 67 (b) at its 22nd to 36th meetings, from 18 to 20, on 23, from 25 to 27 and on 30 October and on 1 and 2 November 2006, and considered proposals and took action on sub-item 67 (c) at its 43rd, 48th to 50th and 52nd meetings, on 9 and 17 and from 20 to 22 November. An account of the Committee's discussion is contained in the relevant summary records (see A/C.3/61/SR.22-36, 43, 48-50 and 52).

3. For the documents before the Committee under this sub-item, see A/61/443.

4. At the 22nd meeting, on 18 October, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a dialogue with the representatives of the Sudan, Finland (on behalf of the States Members of the United Nations that are members of the European Union), India, Cuba, China, New Zealand, Japan, Benin, Kenya, Uzbekistan, Canada, the Libyan Arab Jamahiriya, Turkey, Georgia, Mexico, Burkina Faso, Guatemala, the United States of America and Togo (see A/C.3/61/SR.22).

* The report of the Committee on this item will be issued in five parts, under the symbol A/61/443 and Add.1-4.

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5. At the same meeting, the Director of the Division for Social Policy and Development of the Department of Economic and Social Affairs and the Officer-in-Charge of the New York Office of the United Nations High Commissioner for Human Rights made introductory statements. The Director of the Division for Social Policy and Development responded to a question posed by the representative of Cuba (see A/C.3/61/SR.22).

6. At the 24th meeting, on 19 October, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 made a statement and engaged in a dialogue with the delegations of Palestine, Togo, the United States of America, Israel, Finland (on behalf of the European Union), Lebanon, the Syrian Arab Republic, the Sudan, Cuba, Pakistan, Egypt, Malaysia, the Islamic Republic of Iran, Saudi Arabia, the Libyan Arab Jamahiriya and Algeria (see A/C.3/61/SR.24).

7. At the 25th meeting, on 20 October, the Special Rapporteur on the situation of human rights in Myanmar made a statement and engaged in a dialogue with the representatives of Myanmar, New Zealand, Finland (on behalf of the European Union), Canada, Japan, China and Uzbekistan (see A/C.3/61/SR.25).

8. Also at the 25th meeting, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made a statement and engaged in a dialogue with the representatives of the Democratic People's Republic of Korea, Japan, Finland (on behalf of the European Union), the United States of America, New Zealand and Canada (see A/C.3/61/SR.25).

9. At the 26th meeting, on 20 October, the Special Rapporteur on the situation of human rights in the Sudan made a statement and engaged in a dialogue with the representatives of the Sudan, Yemen, Egypt, Switzerland, the Islamic Republic of Iran, China, Finland (on behalf of the European Union), the Syrian Arab Republic, Cuba, the Libyan Arab Jamahiriya, Canada, Kuwait, Algeria and the United States of America (see A/C.3/61/SR.26).

10. Also at the 26th meeting, the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo made a statement and engaged in a dialogue with the representatives of the Democratic Republic of the Congo, Guinea-Bissau and Finland (on behalf of the European Union) (see A/C.3/61/SR.26).

11. At the 36th meeting, on 2 November, the Independent Expert on the situation of human rights in Burundi made a statement and engaged in a dialogue with the representatives of Burundi, Finland (on behalf of the European Union) and Norway (see A/C.3/61/SR.36).

II. Consideration of proposals

A. Draft resolution A/C.3/61/L.37

12. At the 43rd meeting, on 9 November, the representative of Finland, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, the Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland,

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the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Democratic People's Republic of Korea" (A/C.3/61/L.37). Subsequently, Bosnia and Herzegovina, Honduras, Micronesia (Federated States of), Monaco, Montenegro, Nicaragua and Tuvalu joined in sponsoring the draft resolution.

13. Also at the 43rd meeting, a statement was made by the representative of the Democratic People's Republic of Korea (see A/C.3/61/SR.43).

14. At its 48th meeting, on 17 November, the Committee was advised that the draft resolution had no programme budget implications.

15. At the same meeting, a statement was made by the representative of Cuba (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries (see A/C.3/61/SR.48).

16. Statements were made by the representatives of the Democratic People's Republic of Korea, Japan and Australia (see A/C.3/61/SR.48).

17. Also at its 48th meeting, the Committee adopted draft resolution A/C.3/61/L.37, by a recorded vote of 91 to 21, with 60 abstentions (see para. 70, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Comoros, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Saudi Arabia, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Namibia, Russian Federation, Sudan, Syrian Arab Republic, Tajikistan, Togo, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Colombia, Congo, Costa Rica, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Guyana, Haiti, India, Jamaica, Jordan, Kenya,

Kuwait, Kyrgyzstan, Lesotho, Liberia, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mozambique, Nepal, Niger, Nigeria, Pakistan, Qatar, Rwanda, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Thailand, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia.

18. Before the vote, statements were made by the representatives of the Sudan, Belarus, Indonesia, Cuba, Egypt, Venezuela (Bolivarian Republic of) and the Syrian Arab Republic; after the vote, statements were made by the representatives of the Republic of Korea, Singapore, Algeria, Viet Nam, China, Brazil, Costa Rica and the Democratic People's Republic of Korea (see A/C.3/61/SR.48).

B. Draft resolution A/C.3/61/L.38 and Rev.1

19. At the 43rd meeting, on 9 November, the representative of Finland, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/61/L.38), and orally revised operative paragraph 1 (a) by inserting the words "and his oral presentations" before the words "and the reports of the Secretary-General". The draft resolution read:

"*The General Assembly*,

"*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling the International Covenants on Human Rights and other relevant human rights instruments,

"*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

"*Reaffirming* also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 60/233 of 23 December 2005, those of the Commission on Human Rights, and the conclusions of the International Labour Conference of June 2006,

"*Bearing in mind* Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security, resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict and resolution 1612 (2005) of 26 July 2005 on children in armed conflict, and the reports of the Secretary-General on children and armed conflict,

"*Recognizing* that respect for human rights, the rule of law, democracy and good governance are essential to achieving sustainable development and economic growth, and affirming that the establishment of a genuine

democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

"*Affirming* that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

"1. *Welcomes*:

"(a) The reports of the Special Rapporteur on the situation of human rights in Myanmar and the reports of the Secretary-General;

"(b) The personal engagement and statements of the Secretary-General with regard to the situation of Myanmar;

"(c) The visit of the Under-Secretary-General for Political Affairs to Myanmar in May 2006 and his second scheduled visit in the near future;

"(d) The efforts of the United Nations and other international humanitarian organizations to deliver urgently needed humanitarian assistance to the most vulnerable people in Myanmar;

"(e) The establishment by the Government of Myanmar of a committee for the prevention of military recruitment of underage soldiers and the adoption in November 2004 of an outline plan of action to address the issues of underage recruitment and child soldiers, and the declared willingness of the Government to cooperate with the United Nations and other international organizations to address these issues;

"(f) The recent submission by the Government of replies to a number of official communications by the United Nations special procedures on human rights;

"(g) The initial measures to combat impunity concerning forced labour, including the six-month moratorium on arrests of individuals who report forced labour and the release of two prominent detainees;

"(h) The launching of the Three Disease Fund aiming to tackle the severe problems of HIV/AIDS, tuberculosis and malaria in Myanmar;

"(i) The Security Council discussion on the situation in Myanmar on 29 September 2006;

"2. *Expresses grave concern* at:

"(a) The ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar, as described in resolution 60/233 and previous resolutions of the General Assembly and the Commission on Human Rights, as well as the reports of the Special Rapporteur and of the International Labour Organization, including discrimination and violations suffered by persons belonging to ethnic nationalities of Myanmar, including extrajudicial killings, rape and other forms of sexual violence persistently carried out by members of the armed forces; the continuing use of torture, deaths in custody, political arrests and continuing imprisonment and other detention; the continuing recruitment and use of child soldiers and the use of landmines; forced labour, including child labour; trafficking in persons; denial of freedom of assembly, association, expression and movement; wide disrespect for the

rule of law; and the confiscation of arable land, crops, livestock and other possessions;

"(b) The prevailing culture of impunity, including lack of investigations into cases of serious violations of human rights;

"(c) The attacks by military forces on villages in Kayin State and other ethnic states in Myanmar, leading to extensive forced displacements and serious violations of the human rights of the affected populations;

"(d) The situation of a large number of internally displaced persons and the flow of refugees to neighbouring countries;

"(e) The continued severe restrictions on activities of the National League for Democracy and other political parties, and the consistent harassment of their members, as well as of persons belonging to ethnic nationalities and of student leaders, including the extension of the house arrest of the General Secretary of the National League for Democracy, Aung San Suu Kyi, and her deputy, Tin Oo;

"(f) The absence of progress towards genuine democratic reform, including the measures hindering representatives of the National League for Democracy and other political parties from participating in an effective and meaningful manner in the National Convention;

"(g) The fact that the United Nations Special Rapporteur on the situation of human rights in Myanmar and the former Special Envoy of the Secretary-General for Myanmar have been unable to visit the country for almost three years, despite repeated requests;

"(h) The continuing denial of the freedom of human rights defenders to pursue their activities;

"3. *Strongly calls upon* the Government of Myanmar:

"(a) To end the systematic violations of human rights and fundamental freedoms in Myanmar, to fully implement the recommendations by the Special Rapporteur, the General Assembly, the Commission on Human Rights, the International Labour Organization and other United Nations bodies, aimed at ensuring full respect for all human rights and fundamental freedoms in Myanmar, and to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

"(b) To take urgent measures to put an end to the military operations targeting civilians in the ethnic areas, and the associated human rights and humanitarian law violations against persons belonging to ethnic nationalities, including widespread rape and other forms of sexual violence persistently carried out by members of the armed forces, and to facilitate a fact-finding mission comprising representatives of relevant United Nations agencies to help identify measures to alleviate the humanitarian and human rights consequences of the conflict in Karen State and other ethnic states in Myanmar;

"(c) To put an immediate end to the continuing recruitment and use of child soldiers, to intensify measures to ensure the protection of children affected by armed conflict, to fully implement the 2004 Action Plan, including

by intensifying cooperation with the United Nations agencies, in particular the United Nations Children's Fund, and to sign the Optional Protocols to the Convention on the Rights of the Child;

"(d) To end the systematic forced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons, in cooperation with the international community, and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

"(e) To end impunity and to this end:

"(i) To investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

"(ii) To facilitate a genuinely independent investigation of continuing reports of sexual violence, in particular against women belonging to ethnic nationalities, and other abuse of civilians carried out by members of the armed forces in Shan, Karen, Mon and other states;

"(iii) To facilitate a genuinely independent investigation into the attack perpetrated near Depayin on 30 May 2003;

"(f) To release all political prisoners immediately and unconditionally, including National League for Democracy leaders Aung San Suu Kyi and Tin Oo, and Shan Nationalities League for Democracy leader Khun Htun Oo and other Shan leaders, as well as former student leaders Min Ko Naing, Ko Ko Gyi, Htay Kywe, Min Zeya and Pyone Cho; to desist from arresting and punishing persons for their peaceful political activities, and to ensure that discipline in prisons does not amount to torture or cruel, inhuman or degrading treatment or punishment, and that conditions of detention otherwise meet international standards, and include the possibility of visiting any detainee, including Aung San Suu Kyi, and to investigate cases of deaths in custody;

"(g) To lift all restraints on peaceful political activity of all persons, including former political prisoners, by, inter alia, guaranteeing freedom of association and freedom of expression, including for a free and independent media, and to ensure unhindered access to information for the people of Myanmar;

"(h) To urgently resolve the serious issues identified by the International Labour Organization concerning compliance with international labour standards, including to give clear assurances that no action will be taken against persons lodging complaints of forced labour, to resolve outstanding allegations of forced labour, to establish a credible mechanism for dealing with individual complaints on forced labour, to respect the International Labour Organization presence in Myanmar and strengthen it when necessary and ensure the safety, security and freedom of movement of the International Labour Organization liaison officer;

"(i) To cooperate fully with the Special Rapporteur, including by granting him full, free and unimpeded access to Myanmar, and with other United Nations human rights mechanisms, and to ensure that no person

cooperating with the Special Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment;

"(j) To ensure immediately safe and unhindered access to all parts of Myanmar for the United Nations and international humanitarian organizations and to cooperate fully with those organizations so as to ensure that humanitarian assistance is delivered in accordance with humanitarian principles and reaches the most vulnerable groups of the population in accordance with international law, including applicable international humanitarian law;

"(k) To continue to take action to fight the HIV/AIDS epidemic, tuberculosis and malaria;

"4. *Calls upon* the Government of Myanmar:

"(a) To permit all political representatives and representatives of ethnic nationalities to participate fully in the political transitional process without restrictions, and, to this end, resume, without further delay, dialogue with all political actors, including the National League for Democracy and representatives of ethnic nationalities, to complete the drafting of the Constitution and to ensure that the drafting process responds to the concerns of the ethnic nationalities and to set a clear timetable for the transition to democracy;

"(b) To pursue through dialogue and peaceful means the immediate suspension and permanent end of conflict with all ethnic nationalities in Myanmar, and to allow the full participation of representatives of all political parties and representatives of ethnic nationalities in an inclusive and credible process of national reconciliation;

"(c) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

"5. *Requests* the Secretary-General:

"(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

"(b) To give all necessary assistance to enable his Special Envoy, once appointed, and the Special Rapporteur to discharge their mandates fully and effectively;

"(c) To report to the General Assembly at its sixty-second session on the progress made in the implementation of the present resolution;

"6. *Decides* to continue the consideration of the question at its sixty-second session, on the basis of the report of the Secretary-General and the interim report of the Special Rapporteur."

20. At its 52nd meeting, on 22 November, the Committee had before it a revised draft resolution A/C.3/61/L.38/Rev.1, submitted by the sponsors of draft resolution A/C.3/61/L.38.

21. At the same meeting, the Committee had before it a statement of the programme budget implications of draft resolution A/C.3/61/L.38, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/61/L.56), which remained valid and applicable to draft resolution A/C.3/61/L.38/Rev.1.

22. At the same meeting, the representative of Cuba (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries) made a statement (see A/C.3/61/SR.52).

23. Also at the same meeting, the representative of Myanmar moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution.

24. Statements in favour of the motion were made by the representatives of China and Cuba; statements against the motion were made by the representatives of Norway and New Zealand.

25. The motion was rejected by a recorded vote of 77 to 64, with 30 abstentions. The voting was as follows:[1]

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Eritrea, Gabon, Gambia, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga,

[1] The representative of Georgia subsequently indicated that, had she been present during the voting, she would have voted in favour.

Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Benin, Bolivia, Brazil, Cape Verde, Colombia, Côte d'Ivoire, Djibouti, Ethiopia, Fiji, Ghana, Guyana, Haiti, Jamaica, Jordan, Kenya, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Nigeria, Papua New Guinea, Qatar, Senegal, Togo, Trinidad and Tobago, Turkmenistan, Uganda, United Republic of Tanzania.

26. At the same meeting, a statement was made by the representative of Finland (see A/C.3/61/SR.52).

27. Also at its 52nd meeting, following a statement by the representative of Myanmar, the Committee adopted draft resolution A/C.3/61/L.38/Rev.1 by a recorded vote of 79 to 28, with 63 abstentions (see para. 70, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Algeria, Azerbaijan, Bangladesh, Belarus, Brunei Darussalam, Cambodia, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Guinea, India, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Pakistan, Russian Federation, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Bahrain, Barbados, Belize, Benin, Bhutan, Botswana, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Colombia, Costa Rica, Côte d'Ivoire, Djibouti, Eritrea, Ethiopia, Fiji, Ghana, Guinea-Bissau, Guyana, Haiti, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mozambique, Namibia, Nepal, Niger, Nigeria, Papua New Guinea, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia.

28. Before the adoption of the draft resolution, statements were made by the representatives of the Sudan, Venezuela (Bolivarian Republic of), Uzbekistan, Egypt, Belarus and Indonesia; after the adoption of the draft resolution, statements were made by the representatives of Algeria, Japan, Costa Rica and Myanmar (see A/C.3/61/SR.52).

C. Draft resolution A/C.3/61/L.39

29. At the 43rd meeting, on 9 November, the representative of the United States of America, on behalf of Austria, Australia, Belgium, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Uzbekistan" (A/C.3/61/L.39). Subsequently, Bulgaria, Cyprus, Germany, Greece, Iceland, Latvia, Malta, Romania and Spain joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Reaffirming* that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various international treaties in this field,

"*Mindful* that Uzbekistan is a party to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour and International Labour Organization Convention No. 105 concerning the Abolition of Forced Labour,

"*Deeply concerned* by the denial of an independent international investigation into the events that occurred in Andijan in May 2005, the subsequent response of the Uzbek authorities, including pressure on neighbouring countries to forcibly return Uzbek asylum-seekers and refugees, and the continued deterioration of the overall human rights situation in Uzbekistan,

"1. *Welcomes*:

"(a) The high-level talks of the Government of Uzbekistan with the new Special Representative of the European Union for Central Asia, the sharing of the Uzbek report on Andijan with European Union member States and the agreement to a separate meeting to discuss the events in Andijan, and hopes that a real, constructive dialogue on human rights issues will take place soon;

"(b) The statement made by the President of Uzbekistan on 28 January 2005, in which he expressed, inter alia, the intention to provide for true independence of the judiciary, and the subsequent preparation of legislation to

support the practical independence of the judiciary, as outlined by the President;

"(c) The decree of the President on 1 August 2005 that the death penalty shall be abolished in Uzbekistan as of 1 January 2008 and the subsequent preparation of legislation to implement this decree;

"(d) The steps, albeit limited, taken to date to implement the recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, including the Uzbek authorities' National Action Plan on Torture, the definition of torture by the Supreme Court in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the amendment of the Criminal Code to include torture as a punishable crime;

"2. *Expresses its grave concern* at the serious and continuing human rights violations occurring in Uzbekistan, in particular the following:

"(a) Credible eyewitness reports in 2005 of indiscriminate and disproportionate force used by government troops to quell demonstrations in Andijan in May 2005, resulting in the death of many civilians;

"(b) Detention of the representatives of local non-governmental organizations to prevent observation of the trials of Andijan suspects, and the subsequent closed trials of approximately 266 defendants;

"(c) Harassment and detention of the members of non-governmental organizations and civil society, including human rights defenders, and in particular the closure of at least 200 non-governmental organizations since the May 2005 events in Andijan, as well as of foreign non-governmental organizations and international organizations such as the Office of the United Nations High Commissioner for Refugees in Tashkent;

"(d) Reports of arbitrary arrest and detention, including of eyewitnesses to the events in Andijan, journalists and human rights defenders;

"(e) The prevention of the functioning of independent media and the intolerance of any form of dissent expressed therein and increasing restrictions on freedom of expression, particularly harassment, beatings, arrests and threats made against journalists, human rights defenders and civil society activists;

"(f) Continued refusal to permit the registration of opposition political parties, and their consequent inability to participate in the electoral process;

"(g) An increasing pattern of discrimination, harassment and prosecution with regard to the exercise of freedom of thought, conscience and religion, including through the refusal to register certain religious communities, and police raids against and deportations of members of registered and unregistered religious communities;

"(h) Continued restriction of access of international monitors to places of detention;

"(i) Committing human rights activists to psychiatric wards and forcing them to take behaviour-modification medications;

"(j) Reports of the use of forced labour, including of children;

"3. *Deeply regrets*:

"(a) The decision of the Government of Uzbekistan to reject both the repeated calls of the United Nations High Commissioner for Human Rights for an independent commission of inquiry into the events in Andijan on 13 May 2005 and the requests of the special rapporteurs of the Human Rights Council, including the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Uzbekistan;

"(b) The continued lack of response to General Assembly resolution 60/174;

"(c) The political and economic pressure applied by the Government of Uzbekistan on other Governments to prevent citizens of Uzbekistan who have been recognized as refugees by the Office of the United Nations High Commissioner for Refugees, within its mandate, from travelling to a third country;

"4. *Strongly calls upon* the Government of Uzbekistan:

"(a) To implement fully without any delay the recommendations of the report of the mission of the Office of the United Nations High Commissioner for Human Rights to Kyrgyzstan in June 2005, most notably by granting permission for an international commission of inquiry into the events in Andijan;

"(b) To accede to and abide by the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, and otherwise cooperate with the Office of the United Nations High Commissioner for Refugees;

"(c) To end the harassment and detention of journalists and members of civil society, including human rights defenders, including their forced incarceration in psychiatric wards;

"(d) To ensure fair trials, including fulfilling the recommendations of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe in its report on the trials of persons accused in relation to the events in Andijan;

"(e) To ensure full respect for all human rights and fundamental freedoms, and in this regard, implement fully the recommendations of the independent expert on the situation of human rights in Uzbekistan appointed under the confidential 1503 procedure at the sixtieth session of the Commission on Human Rights, and to extend full cooperation to the newly appointed independent expert;

"(f) To amend legislation on religious organizations to permit the full freedom of thought, conscience and religion;

"(g) To implement fully the recommendations of the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment prepared following his visit to Uzbekistan from 24 November to 6 December 2002, and to incorporate the Supreme Court definition of torture into the criminal code;

"(h) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all United Nations human rights mechanisms, including the special procedures of the Human Rights Council;

"(i) To implement fully the commitments undertaken within the framework of the Organization for Security and Cooperation in Europe and to cooperate with its institutions, including its project office in Tashkent;

"(j) To register independent opposition political parties and allow them to participate in the electoral process;

"(k) To lift restrictions on the activities of civil society, including non-governmental organizations, private enterprises, especially small enterprises, and international organizations;

"(l) To protect freedom of expression for all, including journalists, including those who write articles opposing Government policy, in line with the President's past appeals for journalists to be more critical, and the functioning of independent media outlets, including, as the case may be, licensing and accreditation;

"(m) To take legislative, judicial, administrative and other appropriate measures to actively protect human rights defenders against any violence, threats and other forms of harassment, and to withdraw all measures that restrict their freedom of assembly and expression or that hinder them from carrying out their legitimate activities according to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

"(n) To follow all recommendations and provide regular information under International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour and International Labour Organization Convention No. 105 concerning the Abolition of Forced Labour, and to consider ratifying International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

"(o) To implement fully its obligations under the Vienna Convention on Diplomatic Relations with respect to the free movement of diplomatic personnel to, from and within Uzbekistan and the regular conduct of diplomatic affairs and operations as contemplated in that Convention;

"5. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-second session."

30. Also at the 43rd meeting, a statement was made by the representative of Uzbekistan (see A/C.3/61/SR.43).

31. At the 49th meeting, on 20 November, a statement was made by the representative of Cuba (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries) (see A/C.3/61/SR.49).

32. At the same meeting, the Secretary read out a statement of programme budget implications relating to the draft resolution (see A/C.3/61/SR.49).

33. A statement was made by the representative of the United States of America (see A/C.3/61/SR.49).

34. Also at the 49th meeting, the representative of Uzbekistan moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution.

35. Statements in favour of the motion were made by the representatives of Azerbaijan and China; statements against the motion were made by the representatives of Finland (on behalf of the States Members of the United Nations that are members of the European Union and associated countries) and Canada.

36. The motion was carried by a recorded vote of 74 to 69, with 24 abstentions. The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Central African Republic, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Eritrea, Fiji, Gabon, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritania, Mauritius, Morocco, Myanmar, Namibia, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Benin, Bosnia and Herzegovina, Brazil, Cape Verde, Colombia, Djibouti, Ethiopia, Ghana, Guyana, Haiti, Iraq, Jamaica, Kenya, Malawi, Mali, Mozambique, Nepal, Nigeria, Rwanda, Somalia, Swaziland, Turkmenistan, Uganda, United Republic of Tanzania.

D. Draft resolution A/C.3/61/L.40

37. At the 43rd meeting, on 9 November, the representative of the United States of America, on behalf of Andorra, Australia, Austria, Belgium, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Belarus" (A/C.3/61/L.40). Subsequently, Bulgaria and Iceland joined in sponsoring the draft resolution.

38. At the same meeting, statements were made by the representatives of Belarus and the Russian Federation (see A/C.3/61/SR.43).

39. At the 52nd meeting, on 22 November, the Secretary read out a statement of programme budget implications relating to the draft resolution (see A/C.3/61/SR.52).

40. At the same meeting, the representative of the Russian Federation moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution.

41. Statements in favour of the motion were made by the representatives of China and Cuba; statements against the motion were made by the representatives of Finland (on behalf of the States Members of the United Nations that are members of the European Union and associated countries) and the United States of America.

42. The motion was rejected by a recorded vote of 75 to 67, with 31 abstentions. The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Namibia, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Netherlands, New Zealand,

Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Benin, Bosnia and Herzegovina, Brazil, Burundi, Cape Verde, Colombia, Congo, Côte d'Ivoire, Djibouti, Ghana, Guyana, Haiti, Jamaica, Jordan, Kenya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Nepal, Niger, Nigeria, Papua New Guinea, Rwanda, Solomon Islands, Trinidad and Tobago, Turkmenistan, Uganda, United Republic of Tanzania.

43. At the 52nd meeting, the representative of the United States orally revised operative paragraph 2 (a) of the draft resolution by inserting the words "inter alia" before the words "election laws and practices".

44. At the same meeting, statements were made by the representatives of Belarus and Finland (on behalf of the European Union) (see A/C.3/61/SR.52).

45. Also at the 52nd meeting, the Committee adopted draft resolution A/C.3/61/L.40, as orally revised, by a recorded vote of 70 to 31, with 67 abstentions (see para. 70, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Palau, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Algeria, Armenia, Bangladesh, Belarus, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Ethiopia, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Morocco, Myanmar, Pakistan, Qatar, Russian Federation, South Africa, Sudan, Syrian Arab Republic, Tajikistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Bahrain, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Congo, Costa Rica, Côte d'Ivoire, Djibouti, Ecuador, Eritrea, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Namibia, Nepal, Niger, Nigeria, Panama, Papua New Guinea,

Philippines, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia.

46. Before the vote, statements were made by the representatives of the Sudan, Venezuela (Bolivarian Republic of), Iran (Islamic Republic of), Myanmar, Egypt and the Syrian Arab Republic; after the vote, statements were made by the representatives of Algeria, Japan, Costa Rica, Brazil and Belarus (see A/C.3/61/SR.52).

47. A statement was made by the representative of Costa Rica (see A/C.3/61/SR.52).

E. Draft resolution A/C.3/61/L.41

48. At the 43rd meeting, on 9 November, the representative of Canada, on behalf of Albania, Andorra, Australia, Austria, Belgium, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova, Monaco, the Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/61/L.41).

49. At the 50th meeting, on 21 November, the representative of Cuba (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries) made a statement (see A/C.3/61/SR.50).

50. At the same meeting, the representative of Finland made a statement (see A/C.3/61/SR.50).

51. At the same meeting, the representative of the Islamic Republic of Iran moved, under rule 116 of the rules of procedure of the General Assembly, for the adjournment of the debate on the draft resolution.

52. Statements in favour of the motion were made by the representatives of Pakistan and Indonesia; statements against the motion were made by the representatives of Canada and Australia.

53. The motion was rejected by a recorded vote of 77 to 75, with 24 abstentions. The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Myanmar, Namibia, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi

Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Belize, Bolivia, Bosnia and Herzegovina, Brazil, Cape Verde, Colombia, Ethiopia, Ghana, Guyana, Haiti, Jamaica, Jordan, Kenya, Madagascar, Malawi, Mauritius, Mozambique, Nepal, Nigeria, Papua New Guinea, Rwanda, Turkmenistan, Uganda, United Republic of Tanzania.

54. At the 50th meeting, the Secretary read out a statement of programme budget implications relating to the draft resolution (see A/C.3/61/SR.50).

55. At the same meeting, statements were made by the representatives of Switzerland, also on behalf of Liechtenstein, Azerbaijan (on behalf of the States Members of the United Nations that are members of the Organization of Islamic States), Mexico and Panama (see A/C.3/61/SR.50).

56. Also at its 50th meeting, the Committee adopted draft resolution A/C.3/61/L.41 by a recorded vote of 70 to 48, with 55 abstentions (see para. 70, draft resolution IV). The voting was as follows:

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Belize, Bulgaria, Burundi, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Paraguay, Peru, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Guinea, India,

Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Niger, Oman, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Barbados, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Cambodia, Cameroon, Cape Verde, Colombia, Congo, Costa Rica, Côte d'Ivoire, Eritrea, Ethiopia, Georgia, Ghana, Guyana, Haiti, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mexico, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Panama, Papua New Guinea, Philippines, Republic of Korea, Rwanda, Sierra Leone, Singapore, Suriname, Swaziland, Thailand, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Zambia.

57. Before the adoption of the draft resolution, statements were made by the representatives of the Sudan, Belarus, Egypt, Cuba, Zimbabwe, China, Myanmar, the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Uzbekistan, Barbados, the Libyan Arab Jamahiriya and Iran (Islamic Republic of); after the adoption of the draft resolution, a statement was made by the representatives of Finland (on behalf of the States Members of the United Nations that are members of the European Union) (see A/C.3/61/SR.50).

58. Statements were made by the representative of Costa Rica and Finland (on behalf of the European Union) (see A/C.3/61/SR.50).

F. Draft resolution A/C.3/61/L.42

59. At the 43rd meeting, on 9 November, the representative of Belarus introduced a draft resolution entitled "Situation of democracy and human rights in the United States of America" (A/C.3/61/L.42), which read:

"*The General Assembly*,

"*Guided* by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

"*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil relevant international obligations they have freely undertaken,

"*Mindful* that the United States of America is a party to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination,

"*Recalling* that each State party to the International Covenant on Civil and Political Rights undertakes to respect and ensure to all individuals within

its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

"*Reaffirming* that improving security and the fight against terrorism should be conducted with full respect for human rights and democratic principles,

"*Bearing in mind* the European Parliament resolution on Guantanamo of 28 October 2004,

"*Noting* that the United States of America is a member of the Organization of American States and is obliged to observe the human rights standards under the Charter of that Organization, and aware that on 29 December 2003, the Inter-American Commission on Human Rights of the Organization of American States concluded that the United States of America was responsible for violations of the rights of the residents of the District of Columbia under articles II entitled 'Right to equality before law' and XX entitled 'Right to vote and to participate in government' of the American Declaration of the Rights and Duties of Man, adopted by the Organization of American States in Bogotá on 2 May 1948, by denying them an effective opportunity to participate in their federal legislature,

"*Taking note* of the report of the needs assessment mission on the presidential elections in the United States of America of the Organization for Security and Cooperation in Europe,

"1. *Expresses deep concern and dismay*:

"(a) At the reports from credible resources on systematic violations of fundamental rights and freedoms in the United States of America, including alarming attacks on press freedom and tight control over news media; arbitrary, incommunicado and secret detentions and arrests; electronic surveillance without a court order; and continued and expanding intolerance, xenophobia and discrimination;

"(b) That the electoral system in the United States of America does not comply with the obligations of that country under the International Covenant on Civil and Political Rights to provide every citizen with the right and opportunity to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

"(c) That despite the report of the United States Commission on Civil Rights on voting irregularities in Florida during the 2000 presidential election, which concluded that in Florida election policies and practices had been in place that prevented some of Florida's residents, particularly African Americans, Spanish- and Creole-speaking nationals with language assistance needs and persons with disabilities, from voting and from having their votes counted, such practices continued during the presidential election of 2004;

"(d) That some election techniques, including verification requirements, disproportionately disenfranchise the poor, the elderly, minorities and immigrants;

"(e) That despite promising to improve the electoral system after the 2000 presidential election, the United States of America has failed to reform the system, which remains fundamentally flawed and could disenfranchise some eligible voters and allow manipulation of the results of elections;

"(f) That despite the fact that, like other States members of the Organization for Security and Cooperation in Europe, the United States of America has freely taken on a politically binding commitment to ensure that the election is free and fair, it is not meeting its commitment by prohibiting independent international and domestic observers from monitoring the presidential and parliamentary elections;

"(g) That the United States of America continues to violate international standards in its use of the death penalty with respect to minors and the mentally ill;

"(h) That the legislative measures of the United States of America to enhance security, including the adoption and implementation of the USA PATRIOT Act of 2001, have led to the limitation and abuse of vital civil rights and freedoms of nationals of the United States of America and of other countries as well;

"(i) That massive human rights abuses committed by the United States of America while waging the war on terror both overseas and within its borders have downgraded the cause of human rights and the value of human life and have led to the erosion of the international framework of human rights principles;

"(j) That the aggressive tactics used by the United States of America to curtail the power of the International Criminal Court, inter alia, considering the possibility of withholding economic assistance from the Governments that refuse to grant immunity to the nationals of the United States before the Court, may devalue and debilitate this important institution in its constructive endeavour to promote the rule of law;

"(k) Regarding information on the deprivation of the rights of undisclosed numbers of persons, including minors, detained as a result of military operations launched in Afghanistan and being held at present in detention camps located in Guantanamo, which has led to the creation of the Gulag of modern times, through entrenchment of the practice of arbitrary and indefinite detention in violation of international law, as well as regarding the cases of forced disappearance of these detainees;

"(l) That the refusal or failure to clarify the whereabouts or status of the detainees, leaving them outside the protection of the law for an indefinite period, clearly violates the standards of the Declaration on the Protection of All Persons from Enforced Disappearance;

"(m) That unwillingness to apply the Geneva Conventions of 12 August 1949 to the detainees in Guantanamo violates international human rights law and calls into question the sincerity of the United States of America in respect of fulfilling its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

"(n) At the continued reports of ill treatment, torture, death in custody and excessive use of force by police and prison officers, including the use of isolation, dogs, sensory and sleep deprivation, death threats and other forms of torture and cruel, inhuman or degrading treatment as interrogation techniques;

"(o) That actions by the United States of America give full grounds for claiming that its stated opposition to torture and other cruel, inhuman or degrading treatment has been circumstantial and therefore that those actions are profoundly inconsistent with its international obligations;

"(p) That the United States Military Commissions Act of 2006 restricts the full enjoyment of human rights;

"(q) That as a result of such practices the United States of America has inflicted serious damage upon the global cause of protection and promotion of human rights;

"2. *Urges* the United States of America:

"(a) To put an end to the violations of human rights;

"(b) To become a party to all core international human rights instruments, namely, the International Covenant on Economic, Social and Cultural Rights, the Optional Protocols to the International Covenant on Civil and Political Rights, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention against Apartheid in Sports, the Convention on the Rights of the Child, and the Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, thus allowing the international community to monitor the situation of human rights in the United States of America in full;

"(c) To fully cooperate with special procedures of the Human Rights Council to ensure that all necessary measures are taken to investigate fully and impartially all cases of arbitrary detention, forced disappearance, summary execution and torture and that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with the international human rights obligations of the United States of America;

"(d) To bring the electoral process and legislative framework into line with international standards;

"(e) To take necessary steps, in accordance with its constitutional process and with the provisions of the International Covenant on Civil and Political Rights, as well as with respect to the conclusions of the Inter-American Commission on Human Rights, to grant the residents of the District of Columbia, an effective remedy, which includes adopting the legislative or other measures necessary to guarantee to them the effective right to participate, directly or through freely elected representatives and in general conditions of equality, in their federal legislature;

"(f) To abolish the death penalty with respect to minors and the mentally ill;

"(g) To end immediately the practice of incommunicado and secret detentions and ensure that conditions of detention conform to international standards for the treatment of prisoners and take into account the needs of members of particularly vulnerable groups;

"(h) To take the necessary steps to become party to the human rights instruments adopted by the Organization of American States, namely, the American Convention on Human Rights: 'Pact of San José, Costa Rica', the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights: 'Protocol of San Salvador', the Inter-American Convention on the Forced Disappearance of Persons, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention on the International Return of Children, the Inter-American Convention on Conflict of Laws Concerning the Adoption of Minors, the Inter-American Convention on International Traffic in Minors, the Inter-American Convention on the Granting of Civil Rights to Women and the Inter-American Convention on the Prevention, Punishment and Eradiation of Violence Against Women: 'Convention of Belem do Para';

"(i) To undertake urgently all measures necessary for detainees of Guantanamo to be granted a fair and just hearing before the court, either in the United States of America or in an internationally recognized institution;

"(j) To implement a zero-tolerance policy on torture by investigating all allegations of torture and holding perpetrators of torture accountable so as to promote a culture in which torture is regarded as unacceptable, criminal behaviour;

"(k) To invite all relevant human rights monitoring mechanisms, especially the Special Rapporteurs of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment and extrajudicial, summary or arbitrary executions, and the Working Groups of the Council on Enforced or Involuntary Disappearances and Arbitrary Detention, to visit all places of detention and to grant them unlimited access to all detention camps;

"(l) To take urgent measures to bring legislation on national security into compliance with the obligations of the United States of America under the relevant international instruments;

"(m) To bring the actions of its police and security forces into conformity with its obligations under the International Covenant on Civil and Political Rights as well as other relevant international standards;

"(n) To suspend the duties of high-ranking officials implicated in gross human rights violations, including through granting authorization to their subordinates to engage in practices inconsistent with international standards as well as through rendering to superiors legal counsel incompatible with obligations of the United States of America under international agreements;

"3. *Insists* that the United States of America cooperate fully with and extend invitations to all the mechanisms of the Human Rights Council, including the Working Groups on Arbitrary Detention and Enforced or Involuntary Disappearances, and the Special Rapporteurs on torture and other

cruel, inhuman or degrading treatment or punishment and extrajudicial, summary or arbitrary executions;

"4. *Decides* to continue its consideration of this question at its sixty-second session under the item entitled 'Promotion and protection of human rights'."

60. At its 52nd meeting, on 22 November, the Committee was advised that the draft resolution had no programme budget implications.

61. At the same meeting, a statement was made by the representative of Belarus (see A/C.3/61/SR.52).

62. Also at its 52nd meeting, the Committee rejected draft resolution A/C.3/61/L.42 by a recorded vote of 114 to 6, with 45 abstentions. The voting was as follows:

In favour:

Belarus, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Myanmar, Syrian Arab Republic.

Against:

Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Turkey, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Antigua and Barbuda, Bahrain, Barbados, Belize, Benin, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, China, Congo, Costa Rica, Côte d'Ivoire, Eritrea, Ghana, Guinea-Bissau, Guyana, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mozambique, Namibia, Nepal, Niger, Papua New Guinea, Qatar, Russian Federation, Samoa, Saudi Arabia, Singapore, South Africa, Suriname, Swaziland, Thailand, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

63. Statements were made before the vote by the representatives of the United States of America, Finland (on behalf of the States Members of the United Nations

that are members of the European Union and associated countries), Egypt, Algeria and Uganda; after the vote, statements were made by the representatives of Venezuela (Bolivarian Republic of), China, Brazil, Uzbekistan, Costa Rica and the Sudan (see A/C.3/61/SR.52).

G. Draft resolution A/C.3/61/L.43

64. At the 43rd meeting, on 9 November, the representative of the Islamic Republic of Iran introduced a draft resolution entitled "Situation of indigenous peoples and immigrants in Canada" (A/C.3/61/L.43), which read:

"*The General Assembly*,

"*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international human rights instruments,

"*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field of human rights,

"*Welcoming* the adoption by the Human Rights Council of the United Nations Declaration on the Rights of Indigenous Peoples,

"*Reaffirming* that indigenous peoples in the exercise of their rights, should be free from discrimination of any kind,

"*Welcoming* the cooperation extended by the Government of Canada to the Special Rapporteur on the situations of human rights and fundamental freedoms of indigenous peoples, and noting the report of the Special Rapporteur on his visit to Canada,

"*Noting* the concluding observations of the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee, on the human rights situation in Canada,

"*Noting also* the report of the Working Group on Arbitrary Detention pursuant to its visit to Canada,

"*Noting further* with concern that the Youth Criminal Justice Act in Canada enables imprisonment of persons under 18 with adults if serving an adult sentence,

"1. *Expresses grave concern* at the situation of persons deprived of their liberty in Canada awaiting trial or sentencing, 'continued allegations of inappropriate use of chemical, irritant, incapacitating and mechanical weapons by law enforcement authorities in the context of crowd control', and 'the absence of effective measures to provide civil compensation to victims of torture in all cases';

"2. *Expresses concern* at the findings stipulated in the report of the Special Rapporteur on indigenous peoples indicating systematic discrimination in the criminal justice system of Canada, and that 'the issues facing First Nations and Métis people — and the reasons they come into conflict with the

justice system — are rooted in failures in the areas of education, health and economic development';

"3. *Also expresses concern* that significant disparities still remain between aboriginal people and the rest of the population in areas of employment, access to water, health, housing and education, and by the failure of the Government of Canada to fully acknowledge the barriers faced by African Canadians in the enjoyment of their rights under the International Covenant on Economic, Social and Cultural Rights;

"4. *Notes with particular concern* that poverty rates remain very high among disadvantaged individuals and groups such as aboriginal peoples, African Canadians and immigrants;

"5. *Expresses concern* at continuing inequalities in the attainment of economic and social rights for the aboriginal people and the slow pace of effective recognition of their constitutional aboriginal and treaty rights;

"6. *Expresses dismay* over the negligence of the Government of Canada to address the specific needs of aboriginal women, as well as over suicide rates, prostitution and child welfare issues;

"7. *Deplores* the worrying situation of women prisoners in Canada, in particular aboriginal women, women belonging to ethnic minorities and women with disabilities;

"8. *Expresses concern* at several aspects of the immigration law of Canada, which give the immigration officers wide discretion in detaining aliens and limit the review of decisions ordering detention;

"9. *Calls upon* the Government of Canada to change the provisions in the immigration law and/or their application policies, which give rise to cases of unjustified detention of migrants and asylum-seekers;

"10. *Also calls upon* the Government of Canada to intensify its measures to close the human development indicator gaps between aboriginal and non-aboriginal Canadians in the fields of health care, housing, education, welfare and social services;

"11. *Further calls upon* the Government of Canada to ensure that the relevant human rights legislation is amended at federal, provincial and territorial levels and its legal system enhanced so that all victims of discrimination have full and effective access to a competent tribunal and to an effective remedy;

"12. *Urges* the Government of Canada, as a State party to the International Covenants on Human Rights, to abide by its obligations under these Covenants and under other international instruments on human rights to which it is a party, and to ensure that all disadvantaged and marginalized individuals and groups such as aboriginal peoples, African Canadians, and immigrants, within its territory and subject to its jurisdiction, enjoy the rights recognized in these instruments;

"13. *Requests* the Government of Canada to take all necessary measures for the implementation of the recommendations of the Special Procedures of

the Human Rights Council, in particular with regard to the situation of indigenous peoples and immigrants;

"14. *Decides* to continue consideration of the human rights situation in Canada during the next session of the General Assembly."

65. At its 52nd meeting, on 22 November, the Committee was advised that the draft resolution had no programme budget implications.

66. At the same meeting, the representative of Iran (Islamic Republic of) made a statement (see A/C.3/61/SR.52).

67. The representatives of Canada and Australia, also on behalf of New Zealand, made statements (see A/C.3/61/SR.52).

68. Also at its 52nd meeting, the Committee rejected draft resolution A/C.3/61/L.43 by a recorded vote of 107 to 6, with 49 abstentions. The voting was as follows:

In favour:

Belarus, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Myanmar, Syrian Arab Republic.

Against:

Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Antigua and Barbuda, Bahrain, Barbados, Belize, Benin, Brunei Darussalam, Burkina Faso, Cameroon, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Eritrea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Guyana, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mozambique, Namibia, Nepal, Niger, Pakistan, Papua New Guinea, Philippines, Qatar, Samoa, Saudi Arabia, Singapore, South Africa, Suriname, Swaziland, Thailand, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

69. Before the vote, statements were made by the representatives of Egypt, Finland (on behalf of the States Members of the United Nations that are members of

the European Union and associated countries), Kuwait and Algeria; after the vote, statements were made by the representatives of China, Venezuela (Bolivarian Republic of), the Sudan, Brazil, Costa Rica, Uzbekistan, Zimbabwe and Cuba (see A/C.3/61/SR.52).

III. Recommendations of the Third Committee

70. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention on the Rights of the Child[3] and the Convention on the Elimination of All Forms of Discrimination against Women,[4]

Noting the submission by the Democratic People's Republic of Korea of its second periodic report concerning the implementation of the International Covenant on Economic, Social and Cultural Rights,[5] its second periodic report on the implementation of the Convention on the Rights of the Child[6] and its initial report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women,[7] as a sign of engagement in international cooperative efforts in the field of human rights,

Taking note of the concluding observations of the treaty monitoring bodies under the four treaties, the most recent of which were given by the Committee on the Elimination of Discrimination against Women in July 2005,[8]

Recalling its resolution 60/173 of 16 December 2005 and Commission on Human Rights resolutions 2003/10 of 16 April 2003,[9] 2004/13 of 15 April 2004[10] and 2005/11 of 14 April 2005,[11] and mindful of the need for the international community to strengthen its coordinated efforts aimed at urging the implementation of those resolutions,

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[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[4] Ibid., vol. 1249, No. 20378.

[5] E/1990/6/Add.35.

[6] CRC/C/65/Add.24.

[7] CEDAW/C/PRK/1.

[8] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 38* (A/60/38), part two, paras. 26-76.

[9] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[10] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[11] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[12] including the specific concerns relating to women's rights, the rights of the child, the rights of the elderly, the rights of persons with disabilities and refugee rights addressed therein,

1. *Expresses its very serious concern* at:

(a) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him;

(b) Continuing reports of systemic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, public executions, extrajudicial and arbitrary detention, the absence of due process and the rule of law, the imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour;

(ii) The situation of refugees expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure as treason, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and urges all States to ensure respect for the fundamental principle of non-refoulement;

(iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, and on equal access to information and limitations imposed on every person who wishes to move freely within the country and travel abroad;

(iv) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage, forced abortions, and infanticide of children of repatriated mothers, including in police detention centres and camps;

(v) Unresolved questions of international concern relating to the abduction of foreigners in the form of enforced disappearance, which violates the human rights of the nationals of other sovereign countries;

(vi) The violations of economic, social and cultural rights, which have led to the severe malnutrition and hardship of the population in the Democratic People's Republic of Korea;

(vii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

2. *Expresses its strong concern* that the Government of the Democratic People's Republic of Korea has not engaged in technical cooperation activities with the United Nations High Commissioner for Human Rights and her Office, despite

[12] A/61/349.

efforts by the High Commissioner to engage in a dialogue with the authorities of the Democratic People's Republic of Korea in this regard,

3. *Expresses its very deep concern* at the precarious humanitarian situation in the country, compounded by the mismanagement on the part of the authorities, in particular the prevalence of infant malnutrition, which, despite recent progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to facilitate the continued presence of humanitarian organizations to ensure that humanitarian assistance is delivered impartially to all parts of the country on the basis of need in accordance with humanitarian principles;

4. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in the above-mentioned resolutions of the General Assembly and the Commission on Human Rights, the recommendations addressed to the Democratic People's Republic of Korea by the United Nations special procedures and treaty bodies, and to extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms;

5. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-second session, and, to this end, requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and the Special Rapporteur to report his findings and recommendations.

Draft resolution II
Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 60/233 of 23 December 2005, those of the Commission on Human Rights, and the conclusions of the International Labour Conference of June 2006,

Bearing in mind Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security, resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict and resolution 1612 (2005) of 26 July 2005 on children in armed conflict, the reports of the Secretary-General on children and armed conflict[3] and the Security Council discussion on the situation of Myanmar on 29 September 2006,

Recognizing that respect for human rights, the rule of law, democracy and good governance are essential to achieving sustainable development and economic growth, and affirming that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

1. *Welcomes*:

(a) The reports of the Special Rapporteur on the situation of human rights in Myanmar[4] and his oral presentations, and the reports of the Secretary-General;[5]

(b) The personal engagement and statements of the Secretary-General with regard to the situation in Myanmar;

(c) The visits of the Under-Secretary-General for Political Affairs to Myanmar in May 2006 and November 2006 at the invitation of the Government of Myanmar, and his meetings with senior government officials as well as leaders of the National League for Democracy, including Aung San Suu Kyi;

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/59/695-S/2005/72.
[4] E/CN.4/2006/34 and A/61/369.
[5] E/CN.4/2006/117 and A/61/504.

(d) The efforts of the United Nations and other international humanitarian organizations to deliver urgently needed humanitarian assistance to the most vulnerable people in Myanmar;

(e) The establishment by the Government of Myanmar of a committee for the prevention of military recruitment of underage soldiers and the adoption in November 2004 of an outline plan of action to address the issues of underage recruitment and child soldiers, and the declared willingness of the Government to cooperate with the United Nations and other international organizations to address these issues;

(f) The recent submission by the Government of replies to a number of official communications by the United Nations special procedures on human rights;

(g) The initial measures to combat impunity concerning forced labour, including the six-month moratorium on arrests of individuals who report forced labour and the release of two prominent detainees;

(h) The launching of the Three Disease Fund aiming to tackle the severe problems of HIV/AIDS, tuberculosis and malaria in Myanmar;

2. *Expresses grave concern* at:

(a) The ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar, as described in resolution 60/233 and previous resolutions of the General Assembly and the Commission on Human Rights, as well as the reports of the Special Rapporteur and of the International Labour Organization, including discrimination and violations suffered by persons belonging to ethnic nationalities of Myanmar, in particular extrajudicial killings, rape and other forms of sexual violence persistently carried out by members of the armed forces; the continuing use of torture, deaths in custody, political arrests and continuing imprisonment and other detention; the continuing recruitment and use of child soldiers and the use of landmines; forced labour, including child labour; trafficking in persons; denial of freedom of assembly, association, expression and movement; wide disrespect for the rule of law; the confiscation of arable land, crops, livestock and other possessions; and the prevailing culture of impunity;

(b) The attacks by military forces on villages in Karen State and other ethnic States in Myanmar, leading to extensive forced displacements and serious violations of the human rights of the affected populations;

(c) The continued restrictions on activities of the National League for Democracy and other political parties, and the consistent harassment of their members, as well as of persons belonging to ethnic nationalities and of student leaders, including the extension of the house arrest of the General Secretary of the National League for Democracy, Aung San Suu Kyi, and her deputy, Tin Oo;

(d) The absence of progress towards genuine democratic reform, including the measures hindering representatives of the National League for Democracy and other political parties from participating in an effective and meaningful manner in the National Convention;

(e) The fact that the Special Rapporteur on the situation of human rights in Myanmar and the former Special Envoy of the Secretary-General for Myanmar have been unable to visit the country for almost three years, despite repeated requests;

(f) The continuing denial of the freedom of human rights defenders to pursue their activities;

3. *Strongly calls upon* the Government of Myanmar:

(a) To end the systematic violations of human rights and fundamental freedoms in Myanmar, to fully implement the recommendations of the Special Rapporteur, the General Assembly, the Commission on Human Rights, the International Labour Organization and other United Nations bodies aimed at ensuring full respect for all human rights and fundamental freedoms in Myanmar, and to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

(b) To take urgent measures to put an end to the military operations targeting civilians in the ethnic areas, and the associated violations of human rights and humanitarian law against persons belonging to ethnic nationalities, including widespread rape and other forms of sexual violence persistently carried out by members of the armed forces, and to facilitate a fact-finding mission comprising representatives of relevant United Nations agencies to help to identify measures to alleviate the humanitarian and human rights consequences of the conflict in Karen State and other ethnic States in Myanmar;

(c) To put an immediate end to the continuing recruitment and use of child soldiers, to intensify measures to ensure the protection of children affected by armed conflict, to fully implement the 2004 Action Plan, including by intensifying cooperation with the United Nations agencies, in particular the United Nations Children's Fund, and to consider as a matter of high priority signing and ratifying the Optional Protocols to the Convention on the Rights of the Child;

(d) To end the systematic forced displacement of large numbers of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons, in cooperation with the international community, and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies in accordance with international law, including international humanitarian law;

(e) To end impunity and to this end:

(i) To investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(ii) To facilitate a genuinely independent investigation of continuing reports of sexual violence, in particular against women belonging to ethnic nationalities, and other abuse of civilians carried out by members of the armed forces in Shan, Karen, Mon and other States;

(iii) To facilitate a genuinely independent investigation into the attack perpetrated near Depayin on 30 May 2003;

(f) To release all political prisoners immediately and unconditionally, including National League for Democracy leaders Aung San Suu Kyi and Tin Oo, and Shan Nationalities League for Democracy leader Khun Htun Oo and other Shan leaders, as well as former student leaders Min Ko Naing, Ko Ko Gyi, Htay Kywe, Min Zeya and Pyone Cho; to desist from arresting and punishing persons for their

peaceful political activities, and to ensure that discipline in prisons does not amount to torture or cruel, inhuman or degrading treatment or punishment, and that conditions of detention otherwise meet international standards, and include the possibility of visiting any detainee, including Aung San Suu Kyi, and to investigate cases of death in custody;

(g) To lift all restraints on peaceful political activity of all persons, including former political prisoners, by, inter alia, guaranteeing freedom of association and freedom of expression, including for free and independent media, and to ensure unhindered access to information for the people of Myanmar;

(h) To urgently resolve the serious issues identified by the International Labour Organization concerning compliance with international labour standards, including to give clear assurances that no action will be taken against persons lodging complaints of forced labour, to resolve outstanding allegations of forced labour, to establish a credible mechanism for dealing with individual complaints of forced labour, to respect the International Labour Organization presence in Myanmar and strengthen it when necessary and ensure the safety, security and freedom of movement of the International Labour Organization liaison officer;

(i) To cooperate fully with the Special Rapporteur, including by granting him full, free and unimpeded access to Myanmar, and with other United Nations human rights mechanisms, and to ensure that no person cooperating with the Special Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment;

(j) To ensure immediately safe and unhindered access to all parts of Myanmar for the United Nations and international humanitarian organizations and to cooperate fully with those organizations so as to ensure that humanitarian assistance is delivered in accordance with humanitarian principles and reaches the most vulnerable groups of the population in accordance with international law, including applicable international humanitarian law;

(k) To continue to take action to fight the HIV/AIDS epidemic, tuberculosis and malaria;

4. *Calls upon* the Government of Myanmar:

(a) To permit all political representatives and representatives of ethnic nationalities to participate fully in the political transitional process without restrictions, and, to this end, to resume, without further delay, dialogue with all political actors, including the National League for Democracy and representatives of ethnic nationalities, to complete the drafting of the Constitution and to ensure that the drafting process responds to the concerns of the ethnic nationalities and to set a clear timetable for the transition to democracy;

(b) To pursue through dialogue and peaceful means the immediate suspension and permanent end of conflict with all ethnic nationalities in Myanmar, and to allow the full participation of representatives of all political parties and representatives of ethnic nationalities in an inclusive and credible process of national reconciliation;

(c) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

5. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

(b) To give all necessary assistance to enable his Special Envoy, once appointed, and the Special Rapporteur to discharge their mandates fully and effectively;

(c) To report to the General Assembly at its sixty-second session on the progress made in the implementation of the present resolution;

6. *Decides* to continue the consideration of the question at its sixty-second session, on the basis of the report of the Secretary-General and the interim report of the Special Rapporteur.

Draft resolution III
Situation of human rights in Belarus

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

Mindful that Belarus is a party to the International Covenant on Civil and Political Rights[3] and the Optional Protocols thereto,[3] the International Covenant on Economic, Social and Cultural Rights,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[5] the Convention on the Elimination of All Forms of Discrimination against Women[6] and the Optional Protocol[7] thereto, and the Convention on the Rights of the Child[8] and its Optional Protocol thereto on the sale of children, child prostitution and child pornography,[9]

Recalling Commission on Human Rights resolutions 2003/14 of 17 April 2003,[10] 2004/14 of 15 April 2004[11] and 2005/13 of 14 April 2005,[12] and Human Rights Council decision 1/102 of 30 June 2006,[13]

Concerned that the presidential election of 19 March 2006 was severely flawed and fell significantly short of the commitments of Belarus to the Organization for Security and Cooperation in Europe to hold a free and fair election, and that the situation of human rights in Belarus in 2005 was steadily deteriorating, as documented in the final report of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the report of the Special Rapporteur on the situation of human rights in Belarus,[14]

Noting that the Belarusian authorities have decided to hold local elections on 14 January 2007, and expressing its hope that those will be free and fair, in full respect of international electoral standards,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.
[4] Resolution 2106 A (XX), annex.
[5] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[6] Ibid., vol. 1249, No. 20378.
[7] Ibid., vol. 2131, No. 20378.
[8] Ibid., vol. 1577, No. 27531.
[9] Ibid., vol. 2171, No. 27531.
[10] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.
[11] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.
[12] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.
[13] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), chap. II, sect. B.
[14] E/CN.4/2006/36.

1. *Expresses deep concern*:

(a) About the failure of the Government of Belarus to cooperate fully with all the mechanisms of the Human Rights Council, in particular with the special rapporteurs on the situation of human rights in Belarus, while noting the serious concern relating to the deterioration of the human rights situation in Belarus expressed by seven independent human rights experts of the United Nations in a statement issued on 29 March 2006;

(b) That in spite of detailed recommendations by the Organization for Security and Cooperation in Europe and dialogue between the Government and the Organization for Security and Cooperation in Europe following previous elections, Belarus again failed to meet its commitments to hold free and fair elections, including through the arbitrary use of State power against opposition candidates, routine harassment, the detention and arrest of political and civil society activists, the obstruction of the access of opposition candidates to State media, the negative portrayal in the State media of opposition candidates and activists, including human rights defenders, and the serious shortcomings of the vote count, which lacked minimum transparency;

(c) About continuing reports of harassment, arbitrary arrest and detentions of up to 1,000 persons, including opposition candidates, before and after the election of 19 March 2006;

(d) About the continuing and expanding criminal prosecutions, lack of due process and closed political trials of leading opposition figures and human rights defenders;

(e) About the continuing harassment and detention of Belarusian journalists covering local opposition demonstrations, and that senior officials of the Government of Belarus were implicated in the enforced disappearance and/or summary execution of three political opponents of the incumbent authorities in 1999 and of a journalist in 2000 and in the continuing investigatory cover-up, as documented in the report adopted in resolution 1371 of 28 April 2004 by the Parliamentary Assembly of the Council of Europe;[15]

(f) About the decision of the Belarusian authorities to revoke the teaching licence of the European Humanities University in Minsk and to terminate the lease of its buildings, forcing the University in Belarus to close down;

(g) About persistent reports of harassment and closure of non-governmental organizations, national minority organizations, independent media outlets, religious groups, opposition political parties and independent trade unions, independent youth and student organizations, and the harassment and prosecutions of individuals, including students engaged in the promotion and protection of human rights, rule of law and democracy;

2. *Urges* the Government of Belarus:

(a) To bring the electoral process and legislative framework into line with international standards, especially those of the Organization for Security and Cooperation in Europe, demonstrate such commitment through the upcoming local

[15] Council of Europe, Parliamentary Assembly, "Disappeared Persons in Belarus", Document 10062 (Strasbourg, France, 2004).

elections in January 2007 and rectify the shortcomings of the electoral process, identified by the Office for Democratic Institutions and Human Rights in its report of 7 June 2006, including, inter alia, election laws and practices that restrict campaigning opportunities for de facto opposition candidates, arbitrary application of electoral laws, including on registration of candidates, obstruction of the right of access to the media, biased presentation of the issues by the State media and falsification of vote counts;

(b) To cease politically motivated prosecution, harassment and intimidation of political opponents and pro-democracy activists and human rights defenders, students, independent media, religious organizations, educational institutions and civil society actors; and to cease the harassment of students and to create the conditions whereby they can continue their studies in Belarus;

(c) To respect the rights to freedom of speech, assembly and association and to release immediately all political prisoners and other individuals detained for exercising those rights;

(d) To suspend from their duties officials implicated in any case of enforced disappearance, summary execution and torture and other cruel, inhuman or degrading treatment or punishment, pending investigation of those cases, and to ensure that all necessary measures are taken to investigate fully and impartially such cases and to bring the alleged perpetrators to justice before an independent tribunal, and, if found guilty, to ensure that they are punished in accordance with the international human rights obligations of Belarus;

(e) To investigate and hold accountable those responsible for the mistreatment and detention of domestic and foreign journalists in connection with the election of 19 March 2006 and post-election demonstrations;

(f) To uphold the right to freedom of religion or belief, including the ability to maintain communications with individuals and communities in matters of religion and belief at the national and international level;

(g) To investigate and hold accountable those responsible for the mistreatment, arbitrary arrest and incarceration of civic and political activists leading up to and following the presidential elections of March 2006 and to release immediately and unconditionally all political prisoners;

(h) To carry out all other steps called for by the Commission on Human Rights in its resolution 2005/13;

3. *Insists* that the Government of Belarus cooperate fully with all the mechanisms of the Human Rights Council, in particular with Commission on Human Rights resolution 2004/14 establishing the mandate of the Special Rapporteur appointed by the Commission in its resolution 2005/13, as well as with the representative of the Organization for Security and Cooperation in Europe on freedom of the media.

Draft resolution IV
Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 60/171 of 16 December 2005, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

Noting the submission by the Islamic Republic of Iran of voluntary pledges and commitments on human rights[6] in accordance with General Assembly resolution 60/251 of 15 March 2006,

Noting the statements made by the Government of the Islamic Republic of Iran on strengthening respect for human rights in the country and promoting the rule of law, and noting also the relevant provisions of its Constitution,

1. *Welcomes*:

(a) The standing invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002 and the cooperation extended to the special procedures during their visits, while regretting that no special procedure has been able to visit the Islamic Republic of Iran since July 2005 and expressing its hope that special procedures of the Human Rights Council will be able to visit in the near future;

(b) The report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences,[7] on her visit to the Islamic Republic of Iran from 29 January to 6 February 2005;

(c) The report of the Special Rapporteur of the Commission on Human Rights on adequate housing as a component of the right to an adequate standard of living,[8] on his visit to the Islamic Republic of Iran from 19 to 31 July 2005;

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.
[6] A/60/770/Add.1, annex.
[7] E/CN.4/2006/61/Add.3.
[8] E/CN.4/2006/41/Add.2.

(d) The statement by the head of the judiciary of the Islamic Republic of Iran in October 2006 in which he expressed his hope that judges will choose alternative punishments for minors instead of long jail terms for some offences;

(e) The announcement by the head of the judiciary in April 2004 of the ban on torture and the subsequent passage of related legislation by the parliament, which was approved by the Guardian Council in May 2004;

(f) The human rights dialogues between the Islamic Republic of Iran and a number of countries, while urging the Islamic Republic of Iran to intensify those dialogues and ensure that they are held regularly;

(g) The release of some prisoners held without due process of law;

(h) The cooperation with United Nations agencies in developing programmes in the fields of human rights, good governance and the rule of law;

2. *Expresses its serious concern* at:

(a) The continuing harassment, intimidation and persecution of human rights defenders, non-governmental organizations, political opponents, religious dissenters, political reformists, journalists, parliamentarians, students, clerics, academics, webloggers, union members and labour organizers, including through undue restrictions on the freedoms of assembly, conscience, opinion and expression, the threat and use of arbitrary arrest and prolonged detention, targeted at both individuals and their family members, the ongoing unjustified closure of newspapers and blocking of Internet sites and restrictions on the activities of unions and other non-governmental organizations, as well as the absence of many conditions necessary for free and fair elections;

(b) The persistent failure to comply fully with international standards in the administration of justice and, in particular, the absence of due process of law, the refusal to provide fair and public hearings, the denial of the right to counsel and access to counsel by those detained, the use of national security laws to deny human rights, the prevalent atmosphere of impunity for officials who commit human rights abuses, the harassment, intimidation and persecution of defence lawyers and legal defenders, the adulteration of judicial files, the lack of respect for internationally recognized safeguards, inter alia, with respect to persons belonging to religious, ethnic or national minorities, officially recognized or otherwise, the application of arbitrary prison sentences and the violation of the rights of detainees, including the systematic and arbitrary use of prolonged solitary confinement, the failure to provide proper medical care to those imprisoned, the arbitrary denial of contact between detainees and their family members, and the death of detainees in unclear circumstances or resulting from general mistreatment while in custody;

(c) The continuing use of torture and cruel, inhuman or degrading treatment or punishment such as flogging and amputations;

(d) The continuing of public executions, including multiple public executions, and, on a large scale, of other executions, in the absence of respect for internationally recognized safeguards, and the issuing of sentences of stoning; and, in particular, deplores the execution of persons who were under the age of 18 at the time their offence was committed, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child[4] and

article 6 of the International Covenant on Civil and Political Rights[*] and in spite of the announcement of a moratorium on juvenile executions;

(e) The continuing violence and discrimination against women and girls in law and in practice, the refusal of the Guardian Council to take steps to address this systemic discrimination and recent arrests of and violent crackdowns on women exercising their right of assembly;

(f) The increasing discrimination and other human rights violations against persons belonging to ethnic and religious minorities, recognized or otherwise, including Arabs, Azeris, Balochis, Kurds, Christians, Jews, Sufis and Sunni Muslims; the escalation and increased frequency of discrimination and other human rights violations against members of the Baha'i faith, including reports of plans by the State to identify and monitor Baha'is, as noted by the Special Rapporteur on freedom of religion or belief; an increase in cases of arbitrary arrest and detention; the denial of freedom of religion or of publicly carrying out communal affairs; the disregard for property rights, including through de facto expropriation, as noted in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living; the destruction of sites of religious importance; the suspension of social, educational and community-related activities and the denial of access to higher education, employment, pensions, adequate housing and other benefits; and recent violent crackdowns on Arabs, Azeris, Baha'is, Kurds and Sufis;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To ensure full respect for the rights to freedom of assembly, opinion and expression and for the right to take part in the conduct of public affairs in accordance with its obligations under the International Covenant on Civil and Political Rights, and, in particular, to end the harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing persons imprisoned arbitrarily or on the basis of their political views, and to increase actions to promote and facilitate human rights education at all levels and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme;

(b) To ensure full respect for the right to due process of law, including the right to counsel and access to counsel by those detained, in criminal justice proceedings and, in particular, to ensure a fair and public hearing by a competent, independent and impartial tribunal established by law, to end harassment, intimidation and persecution of defence lawyers and legal defenders and to ensure equality before the law and the equal protection of the law without any discrimination in all instances, including for members of religious, ethnic, linguistic or other minority groups, officially recognized or otherwise;

(c) To eliminate, in law and in practice, the use of torture and other cruel, inhuman or degrading treatment or punishment, such as amputations and flogging, and, as previously proposed by the elected Iranian parliament, to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[*] and to end impunity for violations of human rights that constitute

[*] United Nations, *Treaty Series*, vol. 1465, No. 24841.

crimes by bringing the perpetrators to justice in accordance with international standards, noting in this regard, inter alia, the updated set of principles for the protection and promotion of human rights through action to combat impunity;[10]

(d) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards, in particular, as called for by the Committee on the Rights of the Child in its report of January 2005,[11] executions of persons who at the time of their offence were under the age of 18, and to uphold the moratorium on juvenile executions and executions by stoning and to introduce these moratoriums as law in order to completely abolish this punishment;

(e) To eliminate, in law and in practice, all forms of discrimination and violence against women and girls and, as previously proposed by the elected Iranian parliament, to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[12]

(f) To eliminate, in law and in practice, all forms of discrimination based on religious, ethnic or linguistic grounds, and other human rights violations against persons belonging to minorities, including Arabs, Azeris, Baha'is, Baluchis, Kurds, Christians, Jews, Sufis and Sunni Muslims, to refrain from monitoring individuals on the basis of their religious beliefs, to ensure that minorities' access to education be on a par with that of all Iranians and to address these matters in an open manner, with the full participation of the minorities themselves, to otherwise ensure full respect for the right to freedom of thought, conscience, religion or belief of all persons, and to implement the 1996 report of the Special Rapporteur of the Commission on Human Rights on religious intolerance,[13] which recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community;

4. *Encourages* the thematic procedures of the Human Rights Council, inter alia, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of human rights defenders, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, to visit or otherwise continue their work to improve the situation of human rights in the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to live up to the commitment it made when it issued a standing invitation to special procedures by cooperating with them, and to illustrate how their subsequent recommendations have been addressed, including the recommendations of special procedures that have previously visited the country;

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-second session, under the item entitled "Promotion and protection of human rights".

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[10] See E/CN.4/2005/102 and Add.1.

[11] See CRC/C/146.

[12] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[13] See E/CN.4/1996/95/Add.2.